

REMARKS

In response to the final Official Action of July 11, 2008, independent claims 1, 17, 21, 22, and 32 have been amended in a manner which is believed to particularly point out and distinctly claim the invention in view of the cited art.

Claim Rejections - 35 USC §103

At pages 5-14 of the final Official Action, claims 1-5, 8, 10-12, 14, 15, 22-27, 29, and 32 are rejected under 35 USC §103(a) as unpatentable over WO 01/31963, Hasan, et al (hereinafter Hasan), in view of US patent application publication 2003/0119508, Gwon, et al (hereinafter Gwon).

With respect to claim 1, the Office asserts that Hasan discloses a method having the actions recited in claim 1 except that Hasan fails to specifically disclose transmitting a notification to the mobile terminal, which notification indicates that the mobile terminal may request a delivery of said provided content clip. The Office asserts that Gwon discloses transmitting a notification to a mobile terminal, which notification indicates that the mobile terminal may request a delivery of a provided content clip and that it would be obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Gwon into the teachings of Hasan to have successful handoff measurement by obtaining advanced link down notification. For the reasons set forth below, applicant respectfully disagrees in view of amended claim 1.

More particularly, claim 1 has been amended to clarify that content data is received from a content server upon initiation of a content provider for delivery to a particular mobile terminal. Support for this amendment is found in the original application as filed, including paragraph [0053] of the published application.

With this amendment, claim 1 emphasizes that a content clip is provided by a content server upon initiation of a content provider for delivery to a particular mobile terminal and thus that an exchange with the mobile terminal on whether to forward the content clip to the mobile terminal is carried out only after delivery of the content clip by the content server to the entity. This becomes clear from the passage "which notification indicates that said mobile terminal may request a delivery of said provided

content clip" (emphasis added) as set forth at claim 1, lines 16-17. The entity thus forms an intermediate station for transfer of the content clip to the mobile terminal.

Thus, claim 1 differs from Hasan at least for the following reasons:

- a) The content clip is not requested by the mobile terminal, but rather provided upon initiation of a content provider for delivery to a particular mobile terminal.
- b) The content clip already provided by the content server is kept in a waiting stage on its way from the content server to the particular mobile terminal while checking the necessity of a handover (the necessity depending on the current access network and on a delivery request by the mobile terminal). In Hasan, there is no indication that content could leave a content server before it is clear that it shall be delivered to the requesting mobile terminal and that a handover - if required - has been completed.
- c) The content clip is delivered to the mobile terminal only when requested by the mobile terminal upon a notification that delivery of a content clip may be requested. Such a notification and request would not make sense in Hasan taken alone or in combination with Gwon, since it is the mobile terminal which requested the service in the first place.

Gwon does not provide a hint at aspect c) either, since it does not provide the mobile terminal with a notification that the delivery of a content clip may be requested. Gwon deals with the determination of the best timing of a handover during an already established connection (Gwon, Abstract, paragraph [0009]). Thus, the mobile terminal already knows that data may be delivered so that a notification that a delivery of content clip may be requested would make no sense. There is also no hint at aspects a) and b) in the Gwon reference.

Sato (although not relied upon in the Official Action with respect to claim 1) does not provide a hint at aspect a) either, since it does not disclose a content provider initiated delivery of content clips to a particular mobile terminal. Rather,

content is delivered in general to a base station, from where it can be retrieved by a mobile terminal when it is passing by, for example.

Since Sato uses only a single access point and does thus not enable a handover in the first place, it also does not provide any hint at aspect b). Further, a user is not notified that a delivery of a content clip can be requested, but the download of particular content is completely initiated from the user's side (Sato, paragraph [0140]) (aspect c)).

Thus, it is respectfully submitted that claim 1 is distinguished over Hasan in view of Gwon. Furthermore, the above arguments address the specific issues raised in the Response to Arguments section at pages 2 and 3 of the final Official Action in that the pre-trigger timing parameter notification of Gwon is clearly different than the notification that the mobile terminal may request a delivery of said provided content clip in view of the amendment to claim 1 of receiving a content clip from a content server upon initiation of a content provider for delivery to a particular mobile terminal. This makes clear that the content clip is received by an entity other than the content server.

For all of the foregoing reasons, it is therefore respectfully submitted that claim 1 is distinguished over Hasan in view of Gwon.

Independent claims 22 and 32 have been amended in a manner similar to claim 1 and, for similar reasons, each of these independent claims are also believed to be distinguished over the cited art.

Dependent claims 2-4, 8, 10-12, 14, 15, 23-27, and 29 are also believed to be distinguished over Hasan in view of Gwon at least in view of such dependency.

At pages 14 and 15, dependent claims 6 and 31 are rejected under 35 USC §103(a) as unpatentable over Hasan in view of Gwon further in view of US patent application publication 2003/0022624, Sato. Claims 6 and 31 ultimately depend from claims 1 and 22 respectively and therefore these claims are also believed to be distinguished over the cited art at least in view of such dependency.

Similarly, claims 9, 13, and 30 are rejected under 35 USC §103(a) in view of Hasan and Gwon further in view of US patent application publication 2003/0114158,

Soderbacka, et al. Each of these claims depend from either independent claim 1 or 22 and are therefore believed to be allowable at least in view of such dependency.

At pages 17-22, claims 16-21 are rejected under 35 USC §103(a) in view of Hasan and Gwon further in view of Sato. Independent claims 17 and 21 have been amended in a manner similar to claim 1. As discussed above, Sato does not make up for the deficiencies in Hasan and Gwon concerning the amended feature to claims 17 and 21 and, consequently, independent claims 17 and 21 are allowable over Hasan, Gwon, and Sato for the reasons presented above with regard to claim 1.

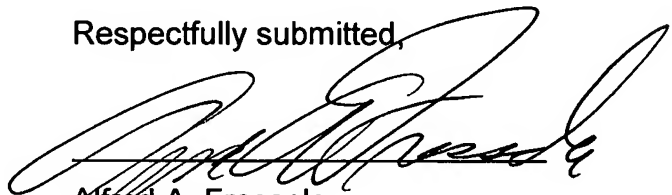
Dependent claims 16 and 18-20 are also believed to be allowable at least in view of their dependency from amended claim 17.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

Dated: October 14, 2008

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